

# **Exhibit J**

## Message

**From:** Meagher, Jeffrey J. [/O=KIRKPATRICK & LOCKHART/OU=KLEXCHANGE/CN=PITTSBURGH/CN=USERS/CN=MEAGHEJJ]  
**Sent:** 7/12/2023 5:45:13 PM  
**To:** Schlerf, Janis E [JSCHLERF@travelers.com]; Mike Jackson [Mike\_Jackson@murphyoilcorp.com]; Birsic, Thomas E. [/o=KIRKPATRICK & LOCKHART/ou=KLEXCHANGE/cn=Recipients/cn=birsicte]; John Nelson [john.nelson@foster.com]; Buckingham, Susan Lapadula [SBUCKING@travelers.com]  
**CC:** Downing, Tracy O [TODOWNIN@travelers.com]; John Nelson [john.nelson@foster.com]; Dale Smart [Dale\_Smart@murphyoilcorp.com]; Laura Pappenfus [Laura\_Pappenfus@murphyoilcorp.com]  
**Subject:** RE: Murphy v. Ballard  
**Attachments:** 2023-07-06 Letter from Dave Ballard re Reservation of Rights(101704777.1).pdf

Here is the Ballard letter we discussed.

Jeff

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**From:** Schlerf, Janis E <JSCHLERF@travelers.com>  
**Sent:** Monday, July 10, 2023 12:26 PM  
**To:** Mike Jackson <Mike\_Jackson@murphyoilcorp.com>; Birsic, Thomas E. <Thomas.Birsic@klgates.com>; John Nelson <john.nelson@foster.com>; Buckingham, Susan Lapadula <SBUCKING@travelers.com>; Meagher, Jeffrey J. <Jeffrey.Meagher@klgates.com>  
**Cc:** Downing, Tracy O <TODOWNIN@travelers.com>; John Nelson <john.nelson@foster.com>; Dale Smart <Dale\_Smart@murphyoilcorp.com>; Laura Pappenfus <Laura\_Pappenfus@murphyoilcorp.com>  
**Subject:** RE: Murphy v. Ballard

**External Sender:**

I will send an invitation for 1:30 ET on Wednesday

**Janis E. Schlerf | Major Case Specialist | Strategic Resolution Group**  
 Travelers  
 PO Box 2902  
 Hartford, CT 06104-2902  
 W:443.353.2220 F: 443.353.1140




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**From:** Mike Jackson <Mike\_Jackson@murphyoilcorp.com>  
**Sent:** Monday, July 10, 2023 11:08 AM  
**To:** Schlerf, Janis E <JSCHLERF@travelers.com>; Birsic, Thomas E. <Thomas.Birsic@klgates.com>; John Nelson <john.nelson@foster.com>; Buckingham, Susan Lapadula <SBUCKING@travelers.com>; Meagher, Jeffrey J. <Jeffrey.Meagher@klgates.com>  
**Cc:** Downing, Tracy O <TODOWNIN@travelers.com>; John Nelson <john.nelson@foster.com>; Dale Smart <Dale\_Smart@murphyoilcorp.com>; Laura Pappenfus <Laura\_Pappenfus@murphyoilcorp.com>  
**Subject:** [External] RE: Murphy v. Ballard

Thanks

Either works for me but I have a hard stop at 5pm ET on Wednesday.

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**From:** Schlerf, Janis E <JSCHLERF@travelers.com>  
**Sent:** Monday, July 10, 2023 9:50 AM  
**To:** Birsic, Thomas E. <Thomas.Birsic@klgates.com>; Mike Jackson <Mike\_Jackson@murphyoilcorp.com>; John Nelson

<[john.nelson@foster.com](mailto:john.nelson@foster.com)>; Buckingham, Susan Lapadula <[SBUCKING@travelers.com](mailto:SBUCKING@travelers.com)>; Meagher, Jeffrey J. <[Jeffrey.Meagher@klgates.com](mailto:Jeffrey.Meagher@klgates.com)>

**Cc:** Downing, Tracy O <[TODOWNIN@travelers.com](mailto:TODOWNIN@travelers.com)>; John Nelson <[john.nelson@foster.com](mailto:john.nelson@foster.com)>; Dale Smart <[Dale\\_Smart@murphyoilcorp.com](mailto:Dale_Smart@murphyoilcorp.com)>; Laura Pappenfus <[Laura\\_Pappenfus@murphyoilcorp.com](mailto:Laura_Pappenfus@murphyoilcorp.com)>

**Subject:** RE: Murphy v. Ballard

I checked our calendar and Tuesday doesn't appear to work.

Will Wednesday at 1:30 ET or 4:30 ET work?

**Janis E. Schlerf | Major Case Specialist | Strategic Resolution Group**  
Travelers  
PO Box 2902  
Hartford, CT 06104-2902  
W:443.353.2220 F: 443.353.1140



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**From:** Birsic, Thomas E. <[Thomas.Birsic@klgates.com](mailto:Thomas.Birsic@klgates.com)>

**Sent:** Monday, July 10, 2023 10:09 AM

**To:** Mike Jackson <[Mike\\_Jackson@murphyoilcorp.com](mailto:Mike_Jackson@murphyoilcorp.com)>; John Nelson <[john.nelson@foster.com](mailto:john.nelson@foster.com)>; Buckingham, Susan Lapadula <[SBUCKING@travelers.com](mailto:SBUCKING@travelers.com)>; Meagher, Jeffrey J. <[Jeffrey.Meagher@klgates.com](mailto:Jeffrey.Meagher@klgates.com)>

**Cc:** Downing, Tracy O <[TODOWNIN@travelers.com](mailto:TODOWNIN@travelers.com)>; Schlerf, Janis E <[JSCHLERF@travelers.com](mailto:JSCHLERF@travelers.com)>; John Nelson <[john.nelson@foster.com](mailto:john.nelson@foster.com)>; Dale Smart <[Dale\\_Smart@murphyoilcorp.com](mailto:Dale_Smart@murphyoilcorp.com)>; Laura Pappenfus <[Laura\\_Pappenfus@murphyoilcorp.com](mailto:Laura_Pappenfus@murphyoilcorp.com)>

**Subject:** [External] RE: Murphy v. Ballard

Same here as needed. Tuesday is better than Wednesday.



**Thomas E. Birsic**  
Partner  
View Full [BIO](#)  
K&L Gates LLP  
K&L Gates Center  
210 Sixth Avenue  
Pittsburgh, Pennsylvania 15222-2613  
Phone: 412 355-6538  
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[thomas.birsic@klgates.com](mailto:thomas.birsic@klgates.com)  
[www.klgates.com](http://www.klgates.com)

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**From:** Mike Jackson <[Mike\\_Jackson@murphyoilcorp.com](mailto:Mike_Jackson@murphyoilcorp.com)>

**Sent:** Friday, July 07, 2023 6:21 PM

**To:** John Nelson <[john.nelson@foster.com](mailto:john.nelson@foster.com)>; Buckingham, Susan Lapadula <[SBUCKING@travelers.com](mailto:SBUCKING@travelers.com)>; Birsic, Thomas E. <[Thomas.Birsic@klgates.com](mailto:Thomas.Birsic@klgates.com)>; Meagher, Jeffrey J. <[Jeffrey.Meagher@klgates.com](mailto:Jeffrey.Meagher@klgates.com)>

**Cc:** Downing, Tracy O <[TODOWNIN@travelers.com](mailto:TODOWNIN@travelers.com)>; Schlerf, Janis E <[JSCHLERF@travelers.com](mailto:JSCHLERF@travelers.com)>; John Nelson <[john.nelson@foster.com](mailto:john.nelson@foster.com)>; Dale Smart <[Dale\\_Smart@murphyoilcorp.com](mailto:Dale_Smart@murphyoilcorp.com)>; Laura Pappenfus <[Laura\\_Pappenfus@murphyoilcorp.com](mailto:Laura_Pappenfus@murphyoilcorp.com)>

**Subject:** Re: Murphy v. Ballard

I can be available too. Thanks Mike.

Get Outlook for iOS

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**From:** John Nelson <[john.nelson@foster.com](mailto:john.nelson@foster.com)>  
**Sent:** Friday, July 7, 2023 3:48:13 PM  
**To:** Buckingham, Susan Lapadula <[SBUCKING@travelers.com](mailto:SBUCKING@travelers.com)>; Mike Jackson <[Mike\\_Jackson@murphyoilcorp.com](mailto:Mike_Jackson@murphyoilcorp.com)>; Birsic, Thomas E. <[Thomas.Birsic@klgates.com](mailto:Thomas.Birsic@klgates.com)>; Meagher, Jeffrey J. <[Jeffrey.Meagher@klgates.com](mailto:Jeffrey.Meagher@klgates.com)>  
**Cc:** Downing, Tracy O <[TODOWNIN@travelers.com](mailto:TODOWNIN@travelers.com)>; Schlerf, Janis E <[JSCHLERF@travelers.com](mailto:JSCHLERF@travelers.com)>; John Nelson <[john.nelson@foster.com](mailto:john.nelson@foster.com)>; Dale Smart <[Dale\\_Smart@murphyoilcorp.com](mailto:Dale_Smart@murphyoilcorp.com)>; Laura Pappenfus <[Laura\\_Pappenfus@murphyoilcorp.com](mailto:Laura_Pappenfus@murphyoilcorp.com)>  
**Subject:** RE: Murphy v. Ballard

Hi Susan, thank you for your response, I know it's late in the day there. I'll make time, let me know what works for you.  
John

**John Nelson**  
(He/him)  
Foster Garvey PC  
Tel: 509.777.1604  
Cell: 509.230.6382  
[john.nelson@foster.com](mailto:john.nelson@foster.com)

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**From:** Buckingham, Susan Lapadula <[SBUCKING@travelers.com](mailto:SBUCKING@travelers.com)>  
**Sent:** Friday, July 7, 2023 2:42 PM  
**To:** John Nelson <[john.nelson@foster.com](mailto:john.nelson@foster.com)>  
**Cc:** Downing, Tracy O <[TODOWNIN@travelers.com](mailto:TODOWNIN@travelers.com)>; Schlerf, Janis E <[JSCHLERF@travelers.com](mailto:JSCHLERF@travelers.com)>  
**Subject:** RE: Murphy v. Ballard

Hi John,

Thank you for forwarding this information. Janis is out this week but will return next week. We will likely want to touch base with you. Do you have some availability for a call on Tuesday or Wednesday?

Sue Buckingham

Susan L. Buckingham | Executive Counsel| Claim Legal - SRG  
Travelers  
111 Schilling Road  
Hunt Valley, Maryland 21031  
W: 443-353-1855 F: 443-353-1112



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**From:** John Nelson <[john.nelson@foster.com](mailto:john.nelson@foster.com)>  
**Sent:** Friday, July 7, 2023 3:11 PM  
**To:** Schlerf, Janis E <[JSCHLERF@travelers.com](mailto:JSCHLERF@travelers.com)>; Buckingham, Susan Lapadula <[SBUCKING@travelers.com](mailto:SBUCKING@travelers.com)>; Downing, Tracy O <[TODOWNIN@travelers.com](mailto:TODOWNIN@travelers.com)>  
**Cc:** John Nelson <[john.nelson@foster.com](mailto:john.nelson@foster.com)>; Rylan Weythman <[rylan.veythman@foster.com](mailto:rylan.veythman@foster.com)>; Devra Cohen <[devra.cohen@foster.com](mailto:devra.cohen@foster.com)>; Mike Jackson <[Mike\\_Jackson@murphyoilcorp.com](mailto:Mike_Jackson@murphyoilcorp.com)>; 'Dale Smart' <[Dale\\_Smart@murphyoilcorp.com](mailto:Dale_Smart@murphyoilcorp.com)>; 'Laura Pappenfus' <[Laura\\_Pappenfus@murphyoilcorp.com](mailto:Laura_Pappenfus@murphyoilcorp.com)>; Len Smith <[lsmith@crowleyfleck.com](mailto:lsmith@crowleyfleck.com)>; Birsic, Thomas E. <[Thomas.Birsic@klgates.com](mailto:Thomas.Birsic@klgates.com)>; Meagher, Jeffrey J.

<Jeffrey.Meagher@klgates.com>

Subject: [External] FW: Murphy v. Ballard

**CAUTION: This email came from outside of the company.**  
**Please exercise caution when opening attachments, clicking links or responding to this email. The original sender of this email is [john.nelson@foster.com](mailto:john.nelson@foster.com).**

Janis, Susan and Tracy -- We were served today with the attached motion in the *Lockman v. Pioneer Natural Resources and Murphy Oil* case. In a nutshell, the motion argues that Ballard should not be required to indemnify Murphy for litigation costs and attorney fees for which Travelers has already partially reimbursed Murphy. We wanted to get you the motion and related papers as soon as possible so that Travelers can determine whether to intervene or otherwise weigh in regarding the motion.

Please acknowledge receipt, thank you for your attention to this matter, please feel free to call if you have any questions. Your, John

**John Nelson**

(He/him)

Foster Garvey PC

Tel: 509.777.1604

Cell: 509.230.6382

[john.nelson@foster.com](mailto:john.nelson@foster.com)

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**BALLARD**  
PETROLEUM HOLDINGS LLC

RECEIVED

JUL 10 2023

Foster Garvey PC

Mike Jackson  Murphy Oil Company  9805 Katy Freeway Suite G-200  Houston, Texas 77024    Leonard H. Smith  Crowley Fleck  500 Transwestern Plaza II  490 North 31st Street  P. O. Box 2529  Billings, MT 59103-2529	John Ray Nelson  Rylan Weythman  Foster Garvey, P.C.  618 W. Riverside, Ste. 300  Spokane, WA 99201
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**Re:     Murphy Oil Co. v. Ballard Petroleum Holdings, LLC**

Dear Sirs:

Please be advised that Ballard Petroleum Holdings, LLC ("BPH") hereby accepts the defense of claims made against Murphy Entities in the *Zimmerman* litigation effective May 1, 2023, under reservation of rights, as follows.

BPH will pay reasonable defense fees and costs for Murphy's defense of the Zimmerman Plaintiffs' claims to the extent those fees are not reimbursed by insurers and/or within the Murphy Entities coverage provided by Travelers (USF&G) or other insurers. Ballard has contemporaneously submitted for judicial review whether it has an obligation to pay defense fees covered by Murphy's insurer and will abide by the Court's decision on that issue.

In order to facilitate the orderly processing of claimed fees and costs, Murphy shall submit claimed amounts to BPH on a monthly basis. The materials should be submitted electronically to David Ballard, [DBallard@ballardpetroleum.com](mailto:DBallard@ballardpetroleum.com). Claimed amounts for May-July 2023 should be submitted on or before August 10, 2023. Thereafter bills shall be submitted by the 10<sup>th</sup> day of the month following the month in

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phone: 406 / 259-8790 • fax: 406 / 259-3884



which the work is done. Payments will be reviewed by BPH, and, as applicable Ballard's insurer, and processed within sixty (60) days of receiving the claim. At this time BPH authorizes an hourly rate of up to but not exceeding \$395.00 / hour for defense counsel depending on the timekeeper's relative qualifications and experience. Please advise of requested rate schedule, together with explanation of the requested rates, for review by BPH and, as applicable, its insurer.

As a condition to this acceptance of defense the Murphy Entities will cooperate with BPH in the defense of the *Zimmerman* Plaintiffs' claims as required by Montana law, e.g., Mont. Code. Ann. §33-18-2X1, including periodic status reports, litigation budgets, prompt disclosure of expert witnesses the Murphy Entities have retained for defense of the *Zimmerman* Plaintiffs' claims, and research/evaluation of defenses to the claims. Should the Murphy Entities believe particular items are privileged due to claimed adversity between BPH and Murphy, Murphy may reasonably redact those materials and provide a log generally identifying the redacted materials. Murphy's monthly submission of claimed fees/costs will be processed by Ballard and, as applicable, Ballard's insurer, but will not be provided to or reviewed by Ballard's defense counsel in the *Zimmerman* litigation.

BPH reserves the right to terminate the defense and seek recoupment of defense fees in the event it is determined BPH had no duty to defend the Murphy Entities, including but not limited to: (1) the arbitral order imposing defense duties on Ballard is reversed or modified in whole or in part; (2) any duty to defend is relieved by Murphy's failure to cooperate; (3) Murphy's defense fees/costs are subject to recovery by Murphy from third parties to the *Zimmerman* litigation. Ballard further reserves all rights under all contracts at issue, whether or not discussed in this letter. Nothing in this letter and no actions undertaken to investigate, defend and address this claim should be construed as a waiver of any rights available to Ballard. Ballard reserves the right to alter its position, should any of the facts change or pursuant to the issuance of any orders from the Court or Arbitration Panel. Ballard also reserves and preserves the right to assert any defense that may now be applicable or is later determined to be applicable upon further information provided. No act of any agent, servant, or employee of Ballard, including its attorneys, shall constitute a waiver or estoppel with respect to these rights.

Your prompt response is requested.

Sincerely,



---

Dave Ballard

cc: Brown Law Firm